

Court of Appeals, State of Michigan

ORDER

Donna Henke v Sujal Patel MD

Docket No. 279684

LC No. 06-062638-NH

Mark J. Cavanagh
Presiding Judge

Kathleen Jansen

E. Thomas Fitzgerald
Judges

The Court orders, pursuant to MCR 7.205(D)(2), that the trial court's July 11, 2007, order is VACATED to the extent it limited defense counsel's objections at future depositions to "one word". We agree with the trial court that defense counsel's conduct during defendant Patel's initial deposition warrants a limitation on defense counsel's objections at future depositions. See generally *Persichini v William Beaumont Hospital*, 238 Mich App 626, 639-640; 607 NW2d 100 (2000) (stating that the trial court has inherent power to penalize the misconduct of an attorney). However, a "one word" restriction is unreasonable, and amounts to an abuse of discretion. Instead, defense counsel shall note any objections in future depositions in the simplest terms possible to preserve the issue, and may not offer further explanation of, or alleged justification for, the objection. See generally, MCR 2.306(C)(4).

In all other respects, the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

This case is REMANDED to the trial court for further proceedings consistent with this order. We do not retain jurisdiction.

Judge Fitzgerald would grant the application for leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 14 2008

Date

Sandra Schultz Mengel
Chief Clerk